

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Gary <i>Miller</i> , individually and on behalf of all others similarly situated,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08 CV 3012 (AKH)
	)	
Morgan Stanley & Co. Incorporated,	)	
	)	
Defendants.	)	

Sharon Shawn <i>Jamail</i> , individually and on behalf of all others similarly situated,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08 CV 3178 (AKH)
	)	
Morgan Stanley and Morgan Stanley & Co. Incorporated,	)	
	)	
Defendants.	)	

James R. <i>Bartholomew</i> , individually and on behalf of all others similarly situated,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08 CV 4910 (AKH)
	)	
Morgan Stanley and Morgan Stanley & Co. Incorporated,	)	
	)	
Defendants.	)	

**NOTICE OF WITHDRAWAL WITHOUT PREJUDICE OF JAMES R.  
BARTHOLOMEW'S RESPONSE TO THE MOTION OF MORGAN STANLEY  
AND MORGAN STANLEY & CO INCORPORATED FOR CONSOLIDATION**

PLEASE TAKE NOTICE that James R. Bartholomew hereby withdraws without prejudice his July 21, 2008 Response to the Motion of Morgan Stanley and Morgan Stanley & Co Incorporated for Consolidation in light of this Court's July 9, 2008 order. In the event Defendants renew their Motion following ruling by the MDL Panel, Bartholomew will respond to such motion at that time.

DATED: New York, New York  
July 22, 2008

Respectfully submitted,

**SCHOENGOLD SPORN  
LAITMAN & LOMETTI, P.C.**

/s/ Frank R. Schirripa  
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Bartholomew*

**CERTIFICATE OF SERVICE**

I, Michael G. McLellan, one of the counsel for Plaintiff in the above-referenced action, do hereby certify that on July 22, 2008, a true and correct copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the notice of electronic filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Michael G. McLellan

Michael G. McLellan